

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RANDOLPH AND GLORIA LONG,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:04-CV-203
)	(PHILLIPS/SHIRLEY)
MONACO COACH CORPORATION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), Rule 73(b) if the Federal Rules of Civil Procedure, and in reference to an Order [Doc. 118] of the Honorable Thomas W. Phillips, United States District Judge, referring Daubert motions [Docs. 113, 115] to the undersigned. This Court held a telephone conference regarding Defendant's Motions in Limine as to Plaintiffs' Expert Witnesses [Docs. 113, 115] on December 12, 2006. Participating on behalf of Plaintiffs was attorney Ryan Lee. Participating on behalf of Defendant was attorney Rodney Fields.

Plaintiffs' attorney, Mr. Lee, failed to file a response to Defendant's Motions [Docs. 113, 115], although the deadline for such responses had passed. Mr. Lee informed the Court that he was mistaken about when Plaintiffs' response was due. Mr. Lee requested a Daubert hearing. Accordingly, the Court gave Plaintiffs leave to file a response to Defendant's Motions [Docs. 113,

115] up to **December 22, 2006**. The Daubert Hearing was then scheduled for **January 10, 2007, at 9:30 a.m.**

In light of the circumstances presented during the telephone conference and for good cause shown, the previous trial date of **January 24, 2007**, by necessity, had to be continued to a later date. A new trial date of **March 5, 2007** was set on the agreement of the parties and the Court. Therefore, the Scheduling Order [Doc. 12] previously entered required amendment. All deadlines in the Scheduling Order [Doc. 12] shall be adjusted in accordance with the new trial date with certain exceptions, which are **AMENDED** as follows:

1. **Dispositive Motions**: All dispositive motions and their responses under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 26 shall remain as scheduled under the Scheduling Order [Doc. 12] and adjusted to the new trial date.
2. **All Discovery**: All discovery, including the taking of depositions “for evidence,” shall be completed on or before **January 1, 2007**, unless a further extension is granted by the undersigned later this week.
3. **Motions in Limine**: All motions in limine shall remain as scheduled under the Scheduling Order [Doc. 12] and adjusted to the new trial date.
4. **Daubert Hearing**: The Daubert Hearing has been set for **January 10, 2007, at 9:30 a.m.**, before the undersigned. Plaintiffs’ responses to Defendant’s Motions in Limine as to Plaintiffs’ Expert Witnesses [Docs. 113, 115] is due on or before **December 22, 2006**. No further Daubert Motions may be filed.
5. **Special Requests to Instruct for Jury Trial**: All special requests for jury instruction shall remain as scheduled under the Scheduling Order [Doc. 12] and adjusted to the new trial date.
6. **Pretrial Conference**: No date has been set at this time. The parties were instructed to contact Janet Jackson to schedule a final pretrial conference.

7. **Trial**: The trial of this case will be held before the Honorable Thomas W. Phillips, United States District Judge, on **March 5, 2007,**
at 9:00 a.m.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge